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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael L. Longwell, *et al.*
Serial No.: 09/334,238
Filed: 16 June 1999
For: Method and Apparatus for
Error Detection and
Correction

5 August 2002

Art Unit: 2133
Examiner: C. Tu

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Technology Center 2100

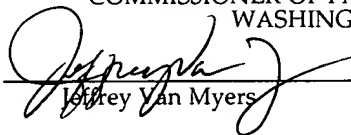
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OFFICE OF PETITIONS

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED THIS DAY WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:

COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231


Jeffrey Van Myers

5 Aug 2002
Date

PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS,

SIR:

In response to the Office Action of 27 September 2001 ("Office Action"), Applicants filed with the United States Patent and Trademark Office ("Office") an Amendment on 28 January 2002 ("Amendment"). In addition to bearing a proper Certificate of Mailing, dated 28 January 2002 and signed by Applicants' attorney, the undersigned Jeffrey Van Myers, the Amendment included a self-addressed, stamped post card ("Post Card"). On or about 16 February 2002, Applicants' attorney received the Post Card from the OIPE of the Office. On the face of the Post Card, the OIPE stamp bears the date of "Feb 14 2002". Having received from the Office confirmation, in the form of the Post Card, that the Amendment had been timely received, Applicants' attorney believed that no further actions were necessary or appropriate until the next action of the Office.


On 28 June 2002, the Office sent Applicants a Notice of Abandonment predicated on Applicants' failure to timely file a proper reply to the Office Action of 27 September 2001. Applicants respectfully submit that a proper reply to that Office Action was in fact timely filed with the Office, but that, for some reason unknown to Applicants, that reply, namely the Amendment, was never received by the Examiner in charge of this Application. In support, Applicants have attached hereto a true and complete photocopy of the

Amendment, including a true and accurate copy of the Post Card bearing the OIPE stamp.

Applicants respectfully submit that this Petition, being filed within 2 months of the mailing date of the Notice of Abandonment, is timely (see, MPEP 711.03(c)(1)). In view of the above-stated facts, Applicants respectfully request the Examiner to reconsider and withdraw the Notice of Abandonment.

Applicant's attorney would like to note, for the record, that, in addition to the Amendment, it would appear that the Office also failed to receive (or received and for some unknown reason failed to enter) a Change of Address form filed simultaneously with, and in the same envelope as, the Amendment. In that Change of Address, Applicants' attorney updated both his mailing address and telephone number. Had the Change of Address form been received and entered, it would have been possible for the Examiner to contact Applicants' attorney to more timely resolve this unfortunate situation. To assure that this does not happen again, Applicants' attorney has also attached hereto a copy of the Change of Address form, and requests that the contact information be appropriately updated.

Respectfully submitted,
Michael L. Longwell, *et al.*


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